



WISCONSIN SUPREME COURT
Tuesday, April 29, 2003
9:45 a.m.

02-0153-CR State v. Joseph F. Jiles

This is a review of a decision of the Wisconsin Court of Appeals, District I (headquartered in Milwaukee), which affirmed a conviction in Milwaukee County Circuit Court, Judge Robert C. Crawford presiding.

In this case, the Wisconsin Supreme Court will clarify whether the State must present live testimony at a hearing to determine whether evidence should be suppressed. The trial court did not require live testimony and the Court of Appeals agreed that it was not necessary for the State to put officers on the witness stand to refute a defendant's claim that his/her confession was coerced.

Here is the background: Joseph Jiles and Lyron T. Wilson (a/k/a Ready Rell) approached an elderly woman who had stopped at a gas station on the way home from work. They tried to grab her purse as she got into her car but they couldn't reach it so Jiles snatched her key ring, which had a change purse attached, and then ran away (according to his testimony). Wilson then shot the woman in the temple. She survived, but lost her left eye and now has two plates in her face.

Jiles and Wilson were caught within minutes of the shooting. Jiles gave a statement to police confessing that he grabbed the key ring and ran, and saying that he heard a shot and turned to see Wilson running behind him. Jiles signed his name at the bottom of the statement.

Before the trial, Jiles filed a motion to suppress his statement for three reasons: first, he claimed that the officer had not read him his Miranda rights. Miranda is the 1966 U.S. Supreme Court case that required police to warn an arrested suspect that the government can use any information provided as evidence and that the suspect has a right to remain silent and to have an attorney present. Second, he claimed that his statement was involuntary because he had smoked marijuana a few hours before his arrest and was too stoned to know what he was saying. Third, he said that the police were overbearing and forced him to confess.

Generally at pre-trial hearings, police officers appear in person and testify to determine whether confessions are admissible. This time, however, the judge relied exclusively on the police report for the State's version of the facts. The judge noted that the report said Jiles had been read his rights and had waived them. The report also said Jiles' statement was given more than four hours after his arrest and that Jiles had told the detective that he was not under the influence of drugs or alcohol. Jiles disputed the police report but admitted that he was given a copy of the report on the night of the arrest and that he had signed it.

The trial court denied Jiles' motion and Jiles then pleaded guilty and was sentenced to a total of 60 years in prison. He filed a post-conviction motion arguing that his lawyer had made a mistake by not objecting during the suppression hearing to the lack of live witnesses. The judge denied this motion without a hearing.

Jiles went to the Court of Appeals, where he argued that his constitutional right to due process had been violated because the trial judge ruled in favor of the State without assessing the credibility of the officer who had taken the statement. The Court of Appeals noted that the rules of evidence that apply during a trial do not apply during a suppression hearing. The court also noted that Jiles himself had testified at the hearing and that the trial judge had assessed his credibility and had found him to be untruthful.

The Supreme Court will decide whether the State met its burden of proof at the suppression hearing by refuting Jiles' claims solely with a paper copy of the police report.